

HOUSE No. 4500

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act removing barriers to emergency shelter..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Notwithstanding any other general or special law or rule or regulation to the
2 contrary, families with a child under age 21 or including a woman who is pregnant shall be
3 eligible for emergency assistance shelter if they satisfy financial eligibility requirements and do
4 not have alternative feasible housing. Notwithstanding the foregoing, the department of housing
5 and community development is authorized to deny emergency assistance shelter to an otherwise
6 eligible family but only if the family is determined, based on clear and convincing evidence, to
7 have engaged, while in shelter, in criminal conduct that threatened the health or safety of shelter
8 residents or staff or to have failed, on three or more occasions to comply with reasonable and
9 uniform rules of the department governing the shelter system, and based thereon was terminated
10 from shelter, within the past 12 months. Notwithstanding the first sentence of this section, the
11 department of housing and community development is also authorized to terminate emergency
12 assistance shelter to an otherwise eligible family but only if the department determines, based on
13 clear and convincing evidence, that (1) a member of the family, while in shelter, engaged in
14 criminal conduct that threatened the health or safety of shelter residents or staff; (2) the family

15 failed, without good cause, on 3 or more occasions to comply with reasonable and uniform rules
16 of the department governing the shelter system; (3) the family, without good cause, refused a
17 shelter placement within 20 miles of its home community or refused a transfer to a placement
18 within 20 miles of its home community; or (4) the family, without good cause and with an
19 intention not to return, left shelter without advance notice to the shelter or to the department.

20 Section 2. Notwithstanding any other general or special law or rule regulation, the
21 department of housing and community development shall immediately provide temporary
22 emergency assistance shelter for up to 30 days to families who appear to be eligible for
23 emergency assistance shelter based on statements provided by the family and any other
24 information in the possession of the department but who need additional time to obtain any third-
25 party verifications reasonably required by the department. In no event, shall the department
26 impose unreasonable requirements for third-party verification and shall accept verifications from
27 the family whenever reasonable.

28 Section 3. Notwithstanding any other general or special law or rule or regulation to the
29 contrary, the department of housing and community development shall, within 60 days of the
30 effective date of this act, revise its emergency assistance regulations to expand its existing good
31 cause rules to establish that a family has good cause for alleged instances of noncompliance with
32 any rules, regulations or requirements applicable to emergency assistance shelter in cases in
33 which the family made good faith efforts to comply, the rule or requirement is unreasonable
34 generally or as applied to the particular family or in the particular case, the family refused a
35 placement or transfer or left shelter with or without advance notice for good reasons, and other
36 cases in which a reasonable person would conclude that good cause existed.